

MEETING OF COMMITTEE ON PUBLIC UTILITIES AND LICENSING

MINUTES OF WEDNESDAY, JUNE 8, 2011

Committee on Public Utilities and Licensing met in the first floor hearing room - east at City Hall on Wednesday, June 8, 2011, at 5:00 p.m.

The meeting was called to order by Alderperson Hennessey.

Present: Alderpersons Jill Hennessey, Lee Thennes, Jason Sladky, Matt Kadow and Dave Soeldner.

Also present: City Clerk Jennifer Hudon, Mayor Justin Nickels, Deputy Police Chief Bridget Brennan, Asst. City Attorney Kathleen McDaniel, Lt. Paul Schermetzler, Patrick Brooks and his attorney Joe Pozorski.

The Committee is meeting for the purpose of holding a scheduled non-renewal hearing for the 2011-2012 "Class B" Retail Intoxicating Liquor and Fermented Malt Beverage License No. 46 of B & T Enterprises, LLC, Patrick Brooks, Agent, 214 N. 8th Street.

Alderperson Hennessey declared the meeting open for the above non-renewal hearing.

Asst. City Attorney McDaniel advised that the hearing will be held in accordance with Chapter 125 of the Wisconsin Statutes and explained the hearing procedure.

Lt. Schermetzler was sworn by City Clerk Hudon.

Lt. Schermetzler reviewed the police records relative to the licensed premise, and recommended denial of the license. Lt. Schermetzler answered numerous questions of Attorney Joe Pozorski.

Patrick Brooks (bar owner) was then sworn by City Clerk Hudon and provided testimony and answered questions. His attorney Joe Pozorski was also present.

John Mueller (bouncer) was then sworn by City Clerk Hudon and provided testimony and answered questions.

Lt. Paul Schermetzler provided rebuttal testimony and answered questions.

Chairperson Hennessey declared the non-renewal hearing closed. (A complete tape recording of the hearing is on file in the City Clerk's office and a transcript would be made available, upon request of

either party, at their own expense.)

Chairperson Hennessey announced that notice is hereby given that the governmental body will adjourn to a closed session during the meeting as authorized by Section 19.85(1)(a) of the Wisconsin Statutes, which authorizes the governmental body to convene in closed session for the purpose of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governing body. The specific subject matter to be considered is the deliberation on the evidence introduced at the non-renewal hearing for the 2011-12 "Class B" Retail Intoxicating Liquor and Fermented Beverage License No. 46 of B & T Enterprises, LLC, Patrick Brooks, Agent, 214 N. 8th Street.

Moved by Alderperson Thennes, seconded by Alderperson Kadow and unanimously carried to convene in closed session. Upon roll call vote, ayes, 5. Nays, none.

Deputy Police Chief Bridget Brennan, Lt. Paul Schermetzler, Patrick Brooks and his attorney Joe Pozorski and all witnesses left the meeting at this time.

Committee deliberated on the evidence introduced at the non-renewal hearing.

Moved by Alderperson Thennes, seconded by Alderperson Kadow, and unanimously carried to reconvene in open session. Upon roll call vote, ayes, 5. Nays, none.

Moved by Alderperson Thennes, seconded by Alderperson Kadow, and unanimously carried to recommend denial of the license. Upon roll call vote, ayes, 5. Nays, none.

(Findings of Fact, Conclusions of Law and Recommendation will be prepared by Asst. City Attorney and will be submitted to Council for action on June 20, 2011.)

It was moved, seconded and unanimously carried to adjourn at 6:46 P.M.

Alderperson Jill Hennessey, Chair
Public Utilities and Licensing Committee

by: Jennifer Hudon
City Clerk